

**IN THE FRANKLIN COUNTY MUNICIPAL COURT  
ENVIRONMENTAL DIVISION  
COLUMBUS, OHIO**

<b>STATE EX REL.</b>	:	
<b>COLUMBUS CITY ATTORNEY</b>	:	
<b>ZACH KLEIN</b>	:	
	:	
RELATOR,	:	CASE №
	:	
V.	:	JUDGE: Stephanie Mingo
	:	
<b>WESTPOINTE PLAZA LP, ET AL.</b>	:	PARCEL NO. 560-291221-00
	:	
RESPONDENTS.	:	

**TEMPORARY RESTRAINING ORDER**

This matter came before the Court on April 3<sup>rd</sup>, 2019 on Relator's request for an ex parte temporary restraining order filed in conjunction with a Complaint and Motion for Preliminary and Permanent Injunctive Relief. In light of the circumstances, this motion was filed *ex parte*. For purposes of the temporary restraining order, the Court finds that the Relator has established that Respondent-Westpointe Plaza LP is the record owner of the property located at 5327 Westpointe Plaza Drive in Hilliard, Ohio. All Respondents-Defendants are persons in charge, care, and control, and/or are employees, agents or lessees of 5327 Westpointe Plaza Drive in Hilliard, Ohio, Parcel ID No. 560-291221-00 or hold a financial interest which could be affected by Relators Motion for Preliminary and Permanent Injunctive Relief.

On information and belief, Relator asserts the following:

1. The property located at 5327 Westpointe Plaza Drive, Hilliard, Ohio, 43228, (hereinafter "Premises") has the general reputation of being a place where lewdness, assignation, or prostitution occurs.
2. In September 2018, the Franklin County Sheriff's Office (hereinafter FCSO) Special Investigations Unit (hereinafter SIU) began investigating the Premises regarding potential human trafficking or prostitution activity occurring at the Premises.
3. On or about September 25, 2018, a detective with the FCSO attempted to patronize the New Asian Massage located at 747 Wilson Road, Columbus, Ohio 43228 only to learn that the business had been closed. The detective was later told that both New Asian Massage and Sunflower Asian Massage are operated by the same individuals.
4. On September 26, 2018, FCSO SIU undercover detective #1109 (hereinafter UC) patronized the massage parlor Sunflower Asian Spa located at 5327 Westpointe Plaza Drive, Hilliard, Ohio 43228. The UC was greeted by an Unidentified Asian Female (hereinafter UAF) who appeared to be approximately thirty-five (35) years of age. The UC paid sixty dollars (\$60.00) from the Franklin County Law Enforcement Trust Fund (LETF), for an hour long massage. After receiving a standard massage, the UAF began to touch the UC's testicles while he laid on his stomach. The UAF asked the UC to "turn over." The UC asked "how much, twenty?" the UAF then tilted her head and made an angry face at the UC and the UC countered "Forty"? The UAF then stated "okay" and began masturbating the UC's penis. After ten seconds, the UC

abruptly stopped the UAF and stated “I’m good, that’s good.” The UC then handed the UAF forty dollars (\$40.00) and exited the business.

5. Again on September 26, 2018, a separate undercover FCSO Detective #881 (hereinafter UC) entered the Premises and was greeted by an unidentified Asian female (hereinafter UAF). The UC stated that he would like to have a one hour massage and was advised that it would cost sixty dollars (\$60.00). The UC was then asked by the UAF to sign a business ledger located at the front counter. After handing the UAF the agreed funds, the UC was led to a back room. While inside the room, the UC observed a sign hanging on the wall that stated no sexual services. The UAF asked if he would like a “soft, medium, or hard massage.” The UC advised that he would like a hard massage. The UAF began to massage the detective’s back and then worked her way down to his buttocks. The UAF then started to tickle around the UC’s anus and genital region in an attempt to sexually arouse the UC. The UAF then advised the UC to turn over. The UAF then began commenting about the UC’s penis, squirted lubricant on her hands and then began to masturbate the detective’s penis in an upward and downward motion. The UC immediately sat up and stated that he was feeling physical discomfort and asked the UAF to stop. The UAF handed the UC a towel to wipe himself down and after the detective was fully dressed, asked for forty dollars (\$40.00). The UC handed the UAF forty dollars (\$40.00) and she gave the detective a hug and escorted him out of the business.
6. In October 2018, FCSO SIU received another complaint of possible illegal activity taking place at the Premises.

7. In November 2018, FCSO SIU received another complaint of possible illegal activity coming from the Premises.
8. On November 8, 2018, undercover FCSO SIU Detective #1089 (hereinafter UC) conducted a covert operation at Sunflower Asian Spa. At approximately 10:20AM the UC was greeted by an Unidentified Asian Female (hereinafter UAF). The UC stated that he would like a one hour massage to which the UAF advised that the massage would cost sixty dollars (\$60.00). The UC handed the UAF sixty dollars (\$60.00) and was asked by the UAF to sign in on a log book located at the front desk. The UAF escorted the UC to a back room where she asked him to undress and that she would be right back. After the UAF returned, she began massaging the UC's back and eventually worked her way to the UC's buttocks. The UAF then began to massage and tickle around the UC's anus and genital region in an attempt to sexually arouse the UC. Once the UAF was finished massaging, she asked the UC to roll over onto his back. The UAF retrieved massage oil and began to masturbate the UC's penis. While masturbating the UC's penis, the UAF lifted her shirt and began to play with her breasts. The UC stopped the UAF and stated that he was not able to get aroused due to an injury. The UAF exited the room and came back with a towel to wipe the oil off of the UC. As the UC was exiting the Premises, the UAF gave the UC a hug and held her hand out for a tip. The UC handed the UAF a tip of forty dollars (\$40.00) of Franklin County Law Enforcement Task Force Funds and exited the Premises.
9. On November 8, 2018, FCSO SIU Detective #881 (hereinafter UC) conducted another undercover operation at the Premises. At approximately 10:30AM, UC

entered the Premises and was greeted by an Unidentified Asian Female (hereinafter UAF). The UC stated that he would like to have a one hour massage; the UAF advised that the massage would cost sixty dollars (\$60.00). The UAF led the UC to a back room and told him to remove his clothing. The UC was asked if he would like his massage soft, medium, or hard. The UC expressed that he would like his massage hard. The UAF began massaging the UC's back and made her way to the UC's buttocks. At one point, the UC felt a pinch on his buttocks, the UAF laughed and stated to the UC that she was "acting bad." The UAF began massaging around the UC's anus and genital region in an attempt to sexually arouse the UC. The UAF asked the UC if he had been there before and the UC responded "yes." The UAF advised the UC that it would cost forty dollars (\$40.00) and that she would masturbate his penis. The UAF then demonstrated the act by moving her hand in an upward and downward motion. The UAF then advised the UC to turn over onto his back and squirted a lubricant onto her hands and began to masturbate the UC's penis. The UC immediately sat up and stated that he was feeling physical discomfort from a prior injury and advised the UAF to stop. The UAF retrieved a cloth so that the UC could wipe the oil off his body. The UAF watched the UC get dressed and then asked for her forty dollar (\$40.00) tip. The UC handed her forty dollars (\$40.00) in LATF funds, received a hug from the UAF, and was then escorted out of the Premises.

10. Sgt. Mark Rapp of the Columbus Division of Police, Narcotics Bureau attempted to send notice of the illegal activity to the property owner. (*See Attached Plaintiff's Exhibit C*) The original letter was sent via certified mail to the owner's address at

191 West Nationwide Boulevard, 200, Columbus, Ohio 43215, as is listed on the Franklin County Auditor's website. This letter was subsequently signed for on October 9, 2018 although it was later determined that this letter may have been sent to the wrong address.

11. Detective Christopher Cline sent a second letter via certified mail on November 14, 2018, to the owner's tax mailing address, 250 Civic Center Drive, Suite 500, Columbus, Ohio 43215. (*See Attached Plaintiff's Exhibit D*) This letter was delivered on December 5, 2018.
12. On December 17, 2018, Detective Cline received an email from Josh Macklin, a property manager for the defendant, who acknowledged receipt of the warning letter. (*See Attached Plaintiff's Exhibit E*) Mr. Macklin informed Detective Cline that the landlord had placed the tenant in default of the lease, met with the tenant who denied illegal activity, placed cameras in the common area, and asked that a bed and shower be removed from the tenant's space. Mr. Macklin further stated that they would do everything possible to remedy the situation and prevent illegal activity.
13. In March 2019, FCSO SIU received a new complaint of possible illegal occurring at the Premises.
14. On March 22, 2019, FCSO SIU Detective #881 (hereinafter UC) conducted an undercover operation at the Premises. At approximately 10:00 AM, the UC was greeted by an Unidentified Asian Female (hereinafter UAF). The UC stated that he would like a one hour massage to which the UAF explained that the massage would cost sixty dollars (\$60.00). The UAF asked the UC to sign a business ledge located

on top of the front counter. The UC handed the UAF the requested payment and was escorted to a room in the rear of the building. The UC removed his clothing and laid face down on the massage table. A while later, a different Unknown Asian Female (hereinafter UAF2) entered the room. UAF2 asked the UC whether he would like his massage soft, medium, or hard. The UC expressed that he would like his massage to be hard. The UAF2 began massaging the back of the UC and then worked her way to his buttocks and eventually his anus and genital region in an attempt to sexually arouse the UC. The UAF2 asked the UC to roll over onto his back and then squirted lubricant on her hands. The UAF2 eventually grabbed the UC's penis and began to masturbate the UC's penis in an upward and downward motion. The UC sat up and stated that he would like her to stop because he had a girlfriend. UAF2 immediately removed her hands and went to get a cloth to wipe off the lubricant. The UC got dressed and handed the UAF2 forty dollars (\$40.00). The UAF2 hugged the UC and then escorted him out of the Premises.

15. Again on March 22, 2019, FCSO Special SIU Detective #1089 (hereinafter UC) conducted an undercover operation at the Premises. The UC entered the location and was greeted by a UAF. The UC stated that he would like a one hour massage. The UAF advised that the massage would cost sixty dollars (\$60.00). The UAF escorted the UC to a room where she asked that he remove his clothing and that she would be right back. Upon returning, the UAF began massaging the UC's back and then buttocks. The UAF then began to massage and tickle around the UC's anus and genital region. The UAF asked the UC to roll over onto his back and immediately began stroking the UC's penis in an attempt to sexually stimulate the UC. The UC

removed the UAF's hand and asked her if forty dollars (\$40.00) would be enough and the UAF stated she wanted at least fifty (\$50.00) to sixty dollars (\$60.00) to continue the act. The UC stated that due to him not having enough money he would have to come back the next time. After getting dressed, the UC handed the UAF a twenty dollar (\$20.00) tip. The UAF complained to the UC that her boss keeps the sixty dollars (\$60.00) and that she only makes money from tips. The UAF asked for forty dollars (\$40.00) and the UC handed her the forty dollars (\$40.00). The UAF gave the UC a hug and then escorted him into the lobby area.

Pursuant to Ohio Civil Rule 65(A), and R.C. 3767.04(B)(2), this Court hereby enters this temporary restraining order. The Court finds that Relator has made a preliminary showing that continued illegal activity at 5327 Westpointe Plaza Drive in Hilliard, Ohio, will cause immediate and irreparable harm to the surrounding community. The Court finds the criminal activity occurring at the Premises constitutes an imminent danger for those at the Premises and for those around the Premises.

Furthermore, pursuant to Civil Rule 65, Relator has established that exigent circumstances exist to support the issuance of an *ex parte* restraining order in accordance with the Ohio Revised Code.

**IT IS THEREFORE ORDERED, ADJUDGED AND DECREED THAT:**

The Relator has established by clear and convincing evidence that the illegal activity occurring at the premises located at 5327 Westpointe Plaza Drive in Hilliard, Ohio, continues to cause irreparable harm to the community and that the property is a



nuisance *per se* as defined in R.C. § 3767.01 and R.C. § 3767.02, and in Columbus City Code § 4703.

It is the further **ORDER** of this Court that all occupants of 5327 Westpointe Plaza Drive in Hilliard, Ohio, be forcibly removed from the premises forthwith. Said occupants may be forcibly detained during the execution of this order. Furthermore, the premises shall be closed, padlocked, boarded or secured as deemed necessary by the Chief of the Columbus Police Department, Franklin County Sheriff, or his or her designee(s) against its use for any purpose until a final decision is rendered on the Complaint for Preliminary and Permanent Injunctive Relief as required by R.C. § 3767.04. This temporary restraining order shall apply to and prohibit usage of or entrance onto any curtilage or porch areas of the premises for any purpose—no vehicles or persons are to be anywhere on the parcel.

It is further **ORDERED** that this temporary restraining order shall apply to the parcel in its entirety. No person may enter and/or occupy 5327 Westpointe Plaza Drive in Hilliard, Ohio, including any portion of the parcel. Any violation of this order, including mutilation of this order, is contempt of court, punishable as a first degree misdemeanor.

It is further **ORDERED** that only necessary personal property located on the premises be removed by the occupants prior to closure and under the direction of the Franklin County Sheriff's Office. The Franklin County Sheriff's Office is authorized to inventory personal property located on the premises; however, only items related to or in connection with the illegal conduct must be inventoried and accounted for. The Franklin County Sheriff's Office may, however, also remove and secure at an off-site location highly mobile and valuable property, including but not limited to such personal property

as automobiles, cash, jewelry and electronic equipment which may be at risk of theft during the pendency of this ORDER.

This case is continued for further preliminary hearing on the merits of Relator's Complaint for Preliminary and Permanent Injunctive Relief on the 15<sup>th</sup> day of April, 2019 at 1:00 P.M. in courtroom 15B, located on the 15<sup>th</sup> floor of 375 S. High Street, Columbus, Ohio 43215. This Order shall remain in effect until that time or as otherwise ordered by this Court.

This order shall be served upon the Respondents-Defendants by the Franklin County Sheriff's Office or Relator's Counsel; the order may be served by posting a copy of it in a conspicuous place at or upon one or more of the principal doors or entrances of the property. The closing of said premises at 5327 Westpointe Plaza Drive in Hilliard, Ohio with forcible entry and removal of all occupants shall be effectuated by the Franklin County Sheriff's Office with the assistance of Columbus Code Enforcement. Based on the Affidavit submitted with the Complaint and Motion, the Court finds that notice of entry upon the premises could result in destruction, concealment or removal of contraband, illegal narcotics or property and could create a serious risk of physical harm to law enforcement officers or other authorized individuals in the execution of this *ex parte* Order.

**IT IS SO ORDERED.**

4-3-19,  
DATE

  
JUDGE STEPHANIE MINGO